

REMARKS/ARGUMENTS

APPLICANT'S RESPONSE TO RESTRICTION REQUIREMENT AND THE EXAMINER'S MIS-CHARACTERIZATION OF THE SAME

Applicant respectfully submits that the Examiner has failed to properly consider applicant's Response to Restriction Requirement mailed on 7 April 2008. Applicant, in his response, DID NOT ELECT SPECIE 13 as stated by the Examiner in her ¶ 1 of the above-referenced Office Action. Rather applicant objected to the characterization of species identified by the Examiner, confirmed the generic nature of claim 1, and elected the specie corresponding to Figure 13, with traverse. Applicant then presented the rationale for his characterization of a proper restriction requirement and conditional election should the Examiner agree with applicant.

It now appears that the Examiner has disregarded applicant's response and conditional election, and somehow construed applicant's election of claims with traverse reading on Figure 13 as an election to specie 13, which is alleged to correspond to Figure 15. Because this treatment of applicant's election with traverse is fundamentally in error, applicant earnestly requests the Examiner to carefully review the Response mailed on 7 April 2008 and issue a replacement office action. In the meantime, and without prejudice, applicant has characterized the pending claims as stated by the Examiner, and will argue for the allowability of such claims in that the reasons for allowance of the presently pending claims is equally applicable to applicant's election with traverse, namely, the allowability of generic claim 1.

SUBSTANTIVE REJECTIONS TO THE PENDING CLAIMS

All pending claims stand rejected as being anticipated by, or rendered obvious over, US2446893 issued to Tynan (hereinafter "Tynan"). If applicant can establish that any pending or amended claim, e.g., generic claim 1, defines over Tynan, then there will be allowable subject matter in this application. For the following reasons, Tynan fails to provide a sufficient basis to support either form of rejection.

GENERIC CLAIM 1 IS NEITHER ANTICIPATED BY NOR RENDERED OBVIOUS OVER TYNAN

Contrary to the Examiner's characterization of Tynan, it does NOT "disclose[s] decorative or structural element[s] derived from compressed wood...." In fact, nowhere in Tynan is the term "compressed wood" or equivalent term used. While potentially superficially similar, Tynan is solely concerned with conventional veneer laminating technology, and not with structures incorporating compressed or plasticized wood, as claimed by applicant. For this reason alone, applicant submits that Tynan represents an insufficient reference upon which to base any anticipation rejection – there is simply no disclosure or teaching regarding the use of compressed wood to create the claimed geometric structures. Moreover, the Examiner's secondary reference relied upon to reject claims 32 – 34 under the rubric of obviousness fails to satisfactorily address this deficiency. As a consequence, the substantive rejections advanced by the Examiner must be withdrawn, including the rejection of generic claim 1.

While the Examiner has improperly alleged that Tynan possesses disclosure sufficient to support an anticipation reference or act as a foundational reference for an obviousness rejection, applicant has moved the clause "derived from compressed wood" from the preamble of the independent claims and placed it into the body of each respective claim adjacent to the characterization of the ribbon. As such, any arguments resulting from an "intended use" minimization of the claimed element should be now considered moot in view of the positive recitation of this claim element.

Finally, as discussed extensively in the pending application, the term "compressed wood" has a particular meaning, which is not merely a descriptor that wood has been subject to compression forming, as would be the case for Tynan's core material 24. Should the Examiner consider additional or alternative terminology beneficial in this respect, she is encouraged to indicate the same to the undersigned so that mutually agreeable language can be used.

CLAIMS DEPENDENT ON CLAIM 1 PATENTABLY DEFINE OVER TYNAN

The remaining presently pending claims depend directly or indirectly upon claim 1. Having established the patentability of claim 1, all claims depending there from, if not otherwise rejected, are also allowable over the prior art. As a consequence, applicant submits that these claims are now in condition for allowance.

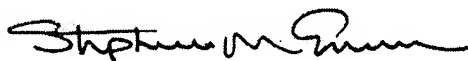
ERRATA

Applicant submits that this response has not generated any additional claim fees. Should additional claim fees be required, please charge them to Deposit Account No. 07-1897. Accompanying this response, applicant is submitting a Petition for Extension of Time (one month) under 37 CFR 1.136(a) and payment there for in order that this response be considered timely. Should additional time be necessary in order for this response to be considered timely, please consider this communication as such supplemental petition and charge the additional fee(s) to Deposit Account No. 07-1897.

While every attempt has been made to provide a bona fide response to the referenced office action, if the Examiner finds this response deficient in any way, she is respectfully requested to contact applicant's attorney of record by telephone, at (425) 455-5575.

Respectfully submitted,

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